



The Law Offices of

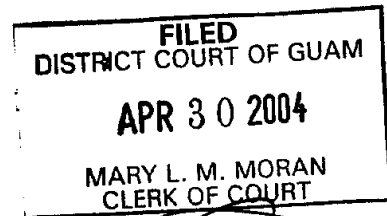
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Attorneys for Petitioner

DISTRICT COURT OF GUAM TERRITORY OF GUAM

JULIE BABAUTA SANTOS, individually,)
and on behalf of all those similarly situated,)

DOCKET NO. CIV04-00006

Petitioner,)

vs.)

FELIX A. CAMACHO, Governor of Guam,)
ART ILAGAN, Director of Department of)
Revenue and Taxation, LOURDES M.)
PEREZ, Director of Department of)
Administration, DOUGLAS B. MOYLAN,)
Attorney General; and GOVERNMENT OF)
GUAM,)

SCHEDULING ORDER;
DISCOVERY PLAN

Respondents.)

Petitioner, JULIE BABAUTA SANTOS (hereinafter "Petitioner"), individually and on
behalf of all those similarly situated, through her attorneys of record Phillips and Bordallo, P.C.,

1 by Michael F. Phillips, and FELIXA. CAMACHO, Governor of Guam, ARTILAGAN, Director
2 of Department of Revenue and Taxation, LOURDES M. PEREZ, Director of Department of
3 Administration, and the GOVERNMENT OF GUAM, through their attorneys of record the
4 Office of the Attorney General, by Basil O'Mallan, III pursuant to Rules 16 and 26(f) of the
5 Federal Rules of Civil Procedure, and Local Rule 16.1 for the District Court of Guam, hereby
6 submit the following Scheduling Order and Discovery Plan:

7
8 1. The nature of the case is as follows: Petitioner brings this action on behalf of a class
9 of taxpayers claiming refunds as a result of the Earned Income Tax Credit program.

10 2. The posture of the case is as follows:

11 a) The following motions are on file: *None*.

12 b) The following motions have been resolved: *None*.

13 c) The following discovery has been initiated: *None*.

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16 3. All motions to add parties and claims shall be filed on or before: *Monday, May 3,*
17
18 *2004.*

19 4. All motions to amend pleadings shall be filed on or before: *Monday, May 10, 2004.*

20 5. Status of Discovery:

21
22 The following is a description and schedule of all pretrial discovery each party
23 intends to initiate prior to the close of discovery:

24
25 Plaintiff: *Interrogatories, Requests for Admissions and Production.*

26 Defendant: *Interrogatories, Requests for Admissions and Production.*
27
28

6. The parties shall appear before the District Court on May 26, 2004 at

3:00 p.m. for the Scheduling Conference.

7. The discovery cut-off date (defined as the last day to file responses to discovery) is: *Monday, July 12, 2004.*

8. a) The anticipated discovery motions are: *Motions to Compel.*

All discovery motions shall be filed on or before *Friday, July 16, 2004* and heard on or before *Friday, August 13, 2004.*

b) The anticipated dispositive motions are: Motions for Summary Judgment; Motions for Partial Summary Judgment; Motion for Class Certification.

All dispositive motions shall be filed on or before *Friday, August 20, 2004* and heard on or before *Friday, September 17, 2004.*

9. The prospects for settlement are: Fair.

10. The Preliminary Pretrial Conference shall be held on the 5th day of October 2004 at 3:00 p.m. (no later than twenty-one (21) days prior to trial date).

11. The parties' pretrial materials, discovery material, witness lists, designations and exhibit lists shall be filed on or before *Friday, October 8, 2004* (no later than fourteen (14) days prior to trial).

12. The Proposed Pretrial Order shall be filed on or before *Friday, October 15,*

2004 (no later than fourteen (14) days prior to trial).

13. The Final Pretrial Conference shall be held on ^{Tuesday} ~~Friday~~, October ²⁶ ~~22~~, 2004

at 3:00 p.m. (no later than seven (7) days prior to trial).

14. The trial shall be held on *Monday, November* ² ~~1~~, 2004, at 9:00 a.m.

(in no event shall the trial be later than 18 months after the complaint is filed, unless the Court otherwise allows).

15. The trial is not a jury trial.

16. It is anticipated that it will take two (2) days to try this case.

17. The names of counsel on this case are:

For Petitioner and The Class: Michael F. Phillips of The Law Offices of Phillips & Bordallo, P.C.

For Respondents: Basil J. O'Mallan, III of the Office of the Attorney General of Guam.

18. The parties do wish to submit this case to a settlement conference.

19. The parties present the following suggestions for shortening trial:

1. The parties believe they will be able to stipulate to most facts involved in this case and therefore, if approved and accepted by the Court, the factual stipulations will result in a substantial reduction in trial time.

2. The parties believe they will be able to stipulate and narrow the issues to

1 be resolved by the Court, and therefore, if approved and accepted by the Court, the
2 parties' stipulation to controlling issues will result in a substantial reduction in trial time.
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4 3. The parties believe this case comes down to the resolution of two (2)
5 legal issues:
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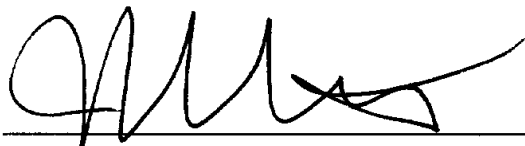
7 a. Whether Guam's taxpayers, otherwise eligible, are entitled to the
8 Earned Income Tax Credit, pursuant to a provision in Subtitle A of the Internal Revenue
9 Code and applied to Guam by operation of the Organic Act, 48 U.S.C. § 1421 et seq., and

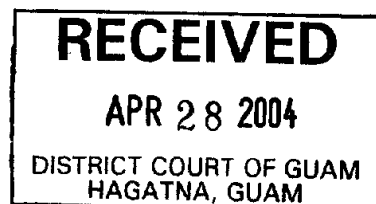
10 b. Whether the Director of the Department of Revenue and Taxation
11 is required to pay the Earned Income Tax Credit to eligible taxpayers.
12

13 The parties respectfully request that the Court address these issues at its earliest
14 convenience.
15

16 20. At this time, there are no further issues that will affect the status or management
17 of the case.
18

19 SO ORDERED, this 30th day of April, 2004.
20

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22 
23
24 JOHN S. UNPINGCO Chief District Judge
25



1
2 APPROVED AS TO FORM AND CONTENT:

3
4 PHILLIPS & BORDALLO, P.C.

5 Attorneys for Petitioner

6
7 By:

8 Michael F. Phillips
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OFFICE OF THE ATTORNEY GENERAL

Attorneys for Respondents

By:

Basil J. O'Mallan, III